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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,338	11/07/2001	John T. Wood	P05359US0	3876
27139	7590	01/25/2005	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C.			STINSON, FRANKIE L	
ATTN: MAYTAG			ART UNIT	
801 GRAND AVENUE, SUITE 3200			PAPER NUMBER	
DES MOINES, IA 50309-2721			1746	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/045,338

Applicant(s)

WOOD, JOHN T.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsey in view of Cotton et al. (U. S. Pat. No. 4,663,538), Rummel or Davis.

Re claims 1, 10 and 18, Kelsey is cited disclosing a multiple compartment dishwasher comprising: a housing; a first compartment (12) for washing within the housing; a second compartment (13) for washing within the housing; a plurality of dishwasher components (typical) each having a power load when activated; at least one of the plurality of dishwasher components operatively disposed within the first compartment; at least one of the plurality of dishwasher components operatively disposed within the second compartment, the first and second compartment both adapted for independent operation for separate/independent washing and/or simultaneous use (see col. 3, lines 12) that differs from the claim only in the recitation of the power limiting and distribution control system associated with the first and second compartment, for avoiding excessive current draw during simultaneous use. The patents to Cotton, Rummel and Davis are all cited disclosing systems for controlling dual appliances, where there is provided a controller for limiting and distributing power between the

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appliances during independent operation and simultaneous use. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Kelsey, to include a power limiting/distributing control system as taught by Cotton, Rummel or Davis, for the purpose of preventing the overloading of the circuits and household electrical system. Re claims 4, 5, 6, 7, 13 and 15, no patentable distinction is deemed to exist between the intelligent controller/microcontroller/microprocessor as connected to the washer components claimed the corresponding elements as taught by either Rummel, Davis or Cotton. It should also be noted that the bus is deemed to be inherent in the control means/circuit of the applied references, as it is notoriously known in the art. Re claim 8, 14 and 16, Cotton, Rummel and Davis disclose the interface. Re claim 9, Rummel discloses the sensor (protection switch 27). Re claim 17, Davis discloses the prevention of simultaneous components (see abstract).

3. Claims 2, 3, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1 and 10 above, and further in view of Hummel.

Claims 2 and 11 define over Kelsey only in the recitation of the isolating circuit connected between the appliances. Hummel is cited disclosing in a control system for dual appliances, an isolating circuit (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Kelsey, to include a isolation circuit as taught by Hummel, for the purpose of isolating the circuits since Kelsey disclose that the appliances may be operated independently. Re claims 3 and 12, Hummel also discloses the optocoupler (see abstract).

4. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive. In regard applicant's arguments that the applied prior art to Davis, Cotton and Rummel directed to control for dual appliances while the instant invention is directed to a "multiple compartment dishwasher". The concept of a multiple compartment dishwasher is one that is old and very well known (see Mazza, Hertel and Jacobs as cited by applicant, for example), and it is therefore believe that applicant's novelty lies in the power distribution/control of the separate/independent washer components/loads for the prevention of excessive current drain and/or damage to the systems during simultaneous operations. Likewise in Rummel for example, where Rummel discloses an integral unit comprising separate/independent components/loads (the washer components/loads and the dryer components/loads) where there exist a problem of separate/independent components/loads in pulling too much current during simultaneous operation (see Rummel col. 1, lines 11-35). Where the loads are typically, a pump motor, valving, electrical heating coils and a motor for driving an agitator/drum. It is the regulation/control of these loads that Rummel is of particularly concerns. Likewise in the instant invention, applicant desires to control the power requirements of multiple loads in a multiple compartment dishwasher during simultaneous operation. Therefore difference only being that in the type of loads, namely the loads in Rummel motors, valving, heater of combo washer/dryer and the loads of a multiple compartment dishwasher namely motors, valving and heaters. Obviously the problem Rummel desires to remedy is the same as that of the instant invention, if not exactly, then reasonably pertinent. It is the opinion of the examiner that given the teachings of

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Kelsey, where there are separate and independent washer compartments/loads, that are designed to be operated simultaneously, one would also encounter current/power overload concerns. Therefore, it would have been obvious one having ordinary skill in the art, to modify the control system of Kelsey, to include a power distribution control system as taught by Rummel, Davis or Cotton, for the purpose of ensuring simultaneously operation with out current overload or damage to the system.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 10 and 18 above, and further in view of Welch et al. or Jacobs.

Claim 19 defines over the applies prior art only in the recitation of the first compartment being positioned above the second compartment. Welch and Jacobs are each cited disclosing a multiple compartment dishwasher where there is provided a first and second compartment with a first compartment being located above a second compartment. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Kelsey, to positioned a first compartment above a second compartment, since this is merely a rearrangement of parts (see **MPEP 2144.04 REVERSAL, DUPLICATION OR RE-ARRANGEMENT OF PARTS**).

Re claim 20, Welch discloses the first compartment being smaller that the second compartment (see col. 2, lines 50-58).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (572) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:30 and some Saturdays from approximately 7:30 am to 1:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

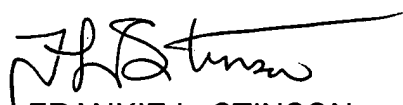
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746